

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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A.A. MEDICAL P.C.,	: Case No.:2:22-cv-01249(ENV)(LGD)
Plaintiff,	:
-against-	:
	:
IRON WORKERS LOCALS 40, 361 & 417	: <b><u>DECLARATION OF</u></b>
HEALTH FUND,	: <b><u>THOMAS P. KEANE</u></b>
	:
Defendant.	:
-----X	

Thomas P. Keane, an attorney duly licensed to practice law in the state of New York affirms the following under penalty of perjury:

1. That I am an associate in the firm of COLLERAN, O'HARA & Mills L.L.P., attorneys for Defendant IRON WORKERS LOCAL 40, 361 & 417 HEALTH FUND. ("Defendant" or "Fund"). This Declaration is submitted in support of Defendant's motion for summary judgment seeking dismissal of the Amended Complaint.

2. Plaintiff A.A. Medical P.C. ("Plaintiff" or "AA Medical") filed the Complaint in the United States District Court for the Eastern District of New York on March 8, 2022. See Dkt. No. 1.

3. Defendant was served with the Complaint on April 14, 2022. See Dkt. No. 6. The parties stipulated to extend Defendant's time to respond to the Complaint on April 4, 2022. See Dkt. No. 8. The stipulation was so ordered by the Court on May 5, 2022.

4. Defendant timely sought leave to file a motion to dismiss on May 19, 2022. See Dkt. No. 9. The motion to dismiss was fully briefed on August 11, 2022. See Dkt. No. 18.

5. On January 18, 2023, the Court issued an order granting the motion to dismiss without prejudice and with leave to amend the complaint. See Dkt. No. 23. Plaintiff filed an Amended Complaint on January 24, 2023. See Dkt. No. 24.

6. Defendant moved for an extension of time to answer the Amended Complaint on February 3, 2023. See Dkt. No. 25. The motion was granted on February 6, 2023. See Dkt. No. 26. Defendant filed an Answer to the Amended Complaint on February 17, 2023. See Dkt. No. 27.

**WHEREFORE**, it is respectfully requested that this Court grant the Fund's Motion for Summary Judgment and dismiss Plaintiff's Amended Complaint in its entirety, and for such other and further relief as this Court deems just and proper.

Dated: Woodbury, New York  
January 16, 2025

COLLERAN, O'HARA & MILLS L.L.P.  
*Attorneys for Defendant*



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